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PATENT  
Attorney Docket No. 101.0069-02000  
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## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:	)	Confirmation No.: 8146
Gary Karlin Michelson	)	
Serial No.: 10/825,522	)	Group Art Unit: 3738
Filed: April 15, 2004	)	Examiner: David H. Willse
For: METHOD FOR INSERTING	)	
NESTED INTERBODY SPINAL	)	
FUSION IMPLANTS	)	

Mail Stop AMENDMENT  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

**INFORMATION DISCLOSURE STATEMENT UNDER 37 C.F.R. § 1.97(c)**

Pursuant to 37 C.F.R. §§ 1.56 and 1.97(c), Applicant brings to the attention of the Examiner the documents listed on the attached Form PTO/SB/08. This Information Disclosure Statement is being filed after the events recited in Section 1.97(b) but, to the undersigned's knowledge, before the mailing date of either a Final Action or a Notice of Allowance. Under the provisions of 37 C.F.R. § 1.97(c), the fee of \$180.00 as specified by Section 1.17(p) is to be charged to Deposit Account No. 50-3726.

Copies of the listed non-U.S. patent documents are enclosed herewith. Applicant respectfully requests that the Examiner consider the listed documents and indicate that they were considered by making appropriate notations on the attached form.

The present application is a divisional application of Application No. 10/246,931, now U.S. Patent No. 7,637,951, which is a divisional application of Application No. 09/566,272, now U.S. Patent No. 6,485,517 and a parent of Application No. 10/933,587, now U.S. Patent No. 7,637,954. The present application is also a parent application of Application No. 12/658,220 (U.S. Patent Publication No. 2010/0145463).

The present application is also commonly owned and has similar subject matter to the following patents and applications:

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U.S. Patent No. 6,241,770, which is the parent of Application No. 09/792,679 (U.S. Patent Publication No. 2001/0010020), which in turn is the parent of 10/674,971 (U.S. Patent Publication No. 2004/0064185), which in turn is the parent of 11/133,528 (U.S. Patent Publication No. 2005/0216089);

U.S. Patent No. 7,462,195, which is the parent of the three U.S. Applications, Application No. 10/703,931 (U.S. Patent No. 7,156,875); Application No. 10/703,925 (U.S. Patent No. 7,387,643); and Application No. 12/315,991 (U.S. Patent Publication No. 2009/0105821);

U.S. Patent No. 6,350,283, which is the parent of U.S. Patent No. 6,666,890, which is the parent of U.S. Patent No. 7,022,137, which is the parent of Application No. 11/396,727 (U.S. Patent Publication No. 2006/0235519);

U.S. Patent No. 6,749,636, which is the parent of U.S. Patent No. 7,435,262;

U.S. Patent No. 6,890,355, which is the parent of U.S. Patent No. 7,455,692, which is the parent of U.S. Patent No. 7,540,882, which is the parent of Application No. 12/455,415 (U.S. Patent Publication No. 2009/0270991); and

U.S. Patent No. 6,989,031, which is the parent of U.S. Patent No. 7,611,536, which is the parent of Application No. 12/587,196 (U.S. Patent Publication No. 2010/0030333).

The document identified on the attached Form PTO/SB/08 with an asterisk "\*" in the column for the Examiner's initials has been previously submitted, but is being resubmitted to make sure the Examiner is aware of its relationship to the present application.

Applicant also brings to the attention of the Examiner the file history (the Office Actions and responses) of each of the submitted patents and applications. While the individual Office Actions and responses are not attached hereto, they are available in each of the file wrappers in the Patent Office, through PAIR, or will be provided by Applicant at the Examiner's request.

This submission does not represent that a search has been made or that no better art exists and does not constitute an admission that each or all of the listed documents are material or constitute "prior art." If the Examiner applies any of the documents as prior art against any claims in the application and Applicant determines

that the cited documents do not constitute "prior art" under United States law, Applicant reserves the right to present to the office the relevant facts and law regarding the appropriate status of such documents.

Applicant further reserves the right to take appropriate action to establish the patentability of the disclosed invention over the listed documents, should one or more of the documents be applied against the claims of the present application.

If there is any additional fee due in connection with the filing of this Statement, please charge the fee to our Deposit Account No. 50-3726.

Respectfully submitted,

MARTIN & FERRARO, LLP

Date: January 20, 2011

By: 

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